

Application No.: 10/033,749

Docket No.: JCLA8479

REMARKSPresent Status of Application

The Office Action mailed September 10, 2003, pointed out that claim 7 would be allowable if rewritten in independent form including all the limitations of the base claim. Claims 4 and 14 were rejected under 35 USC§112, second paragraph, as being indefinite. Claims 1, 3-6, 8, 10, 13-15 were rejected under 35 USC§102 (b) as being anticipated by Lockwood et al. (US Patent No. 4,697,143). Claims 9-11 were rejected under 35 USC§103 (a) as being unpatentable over Lockwood et al.. The Office Action mentioned that the paper in the information disclosure statement references recited in the previous Response has not been filed and needs to be resubmitted.

Claim 1 has been amended by merging limitations of claim 7 into claim 1, as suggested by the Office Action, while claims 4, 7-11 and 13-15 have been cancelled. No new matter has been added to the application by the amendments made to the specification, claims and drawings. In light of the amendments and the following discussion, reconsideration and withdrawal of these rejections are respectfully requested.

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### Information Disclosure Statement

The Office Action pointed out that the paper listed in the information disclosure statement references recited in the previous Response has not been filed and needs to be resubmitted.

The reference recited in page 2, paragraph [0005] of the specification, "Rugged probe design MIC measurement" is submitted in a separate paper (enclosed within), in order to comply with 37 CFR 1.98(b).

### Discussion for 35 USC§ 112 rejections

Claims 4 and 14 were rejected under 35 USC§112, second paragraph, for being indefinite for failing to particularly point out and distinctly claim the subject matter.

Claims 4 and 14 have been cancelled. Reconsideration and withdrawal of these rejections are respectfully requested.

### Discussion for 35 USC 102 and 103 rejections

*Claims 1, 3-6, 8, 10, 13-15 were rejected under 35 USC§102 (b) as being anticipated by Lockwood et al. (US Patent No. 4,697,143). Claims 9-11 were rejected under 35 USC§103 (a) as being unpatentable over Lockwood et al..*

The Office Action mailed September 10, 2003, pointed out that claim 7 is objected as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicant has most respectfully considered the remarks set forth in the Office Action.

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According to the suggestions of the Office Action, claims 1 has been amended by merging the limitations of claim 7 into claim 1, while claim 7 has been cancelled. Claims 8-11 and 13-15 have been cancelled.

As a result, Applicant submits that amended claim 1 patently defines over the prior art and the cited reference. Dependent claims are submitted to be patentably distinguishable over the cited references for at least the same reasons as independent claim 1, from which these claims respectively depend, as well as for the additional features that these claims recite.

In view of the above amendment and discussions, reconsideration and withdrawal of the 102 rejection and 103 rejection are respectfully requested.

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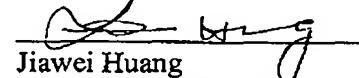
**CONCLUSION**

In view of the foregoing, it is believed that all pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,  
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